

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**RAMON JAQUEZ, individually and on
behalf of all others similarly situated,**

Plaintiffs,

-against-

**BRILLIANT HOME TECHNOLOGY,
INC.,**

**Civil Case Number:
1:20-cv-09855-KPF-SDA**

Defendants.

**PLAINTIFF'S MOTION FOR ENTRY OF JUDGMENT AND FOR COSTS AND
ATTORNEYS' FEES**

Plaintiff moves this court for entry of judgment comprising of injunctive relief, compensatory damages, costs and Attorneys' Fees, as follows:

1. This action was commenced on November 23, 2020, by the filing of the Summons and Complaint. (*See*, Docket Entry 1).
2. Service on defendants was confirmed by proof of service filed with this Court on November 30, 2020. (*See*, Docket Entry 5).
3. Defendant then appeared in this action by counsel, but after nearly a year of litigation, was defaulted by the Court after its counsel withdrew its representation from the case. (*See*, Docket Entry 25).
4. Inasmuch as the Plaintiff has not pled a claim for a sum certain in his complaint, the Plaintiff moves this court for judgment on his claims or a hearing on damages, costs and attorneys' fees so that the court may award him a judgment.

5. Plaintiff seeks compensatory damages of \$1,000.00 for the Defendant's violation of the NYCHRL.
6. Plaintiff is also entitled to filing fees of \$400.00 and service of process fees of \$79 for total costs in the amount of \$479 along with attorneys' fees of \$8,320¹ pursuant to 42 U.S.C. § 12205 and N.Y.C. Admin. Code § 8-502(f). .

WHEREFORE, PLAINTIFF PRAYS THAT this Court grant the following relief:

- a. A judgment in the amount of \$9,799 against the Defendant for compensatory damages, costs and attorneys' fees;
- b. Injunctive relief, prohibiting Defendant from violating the Americans with Disabilities Act, 42 U.S.C. §§ 12182, et seq., and N.Y.C. Administrative Code § 8-107, et seq., and requiring Defendant to take all the steps necessary to make its Website into full compliance with the requirements set forth in the ADA, and its implementing regulations, so that the Website is readily accessible to and usable by blind individuals; and
- c. Such other relief as this Court deems just and proper.

Dated: December 20, 2021

MARCUS & ZELMAN, LLC

By: /s/ Yitzchak Zelman
Yitzchak Zelman (YZ5857)
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¹ See, Declaration of Yitzchak Zelman, and the Exhibit A annexed thereto, setting forth the costs and hours expended in this action.